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New Attorney Docket No. RDYN.MRS.09.US.1  
Old Attorney Docket No. P31353

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	HODGSON, ET AL.	)	
SERIAL NO.:	09/302,024	)	EXAMINER: KERR, K. M.
FILED:	APRIL 29, 1999	)	ART UNIT: 1652
TITLE:	NOVEL TRNA SYNTHETASE	)	CONF. NO.: 6373

Mail Stop Patent Ext.  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.181 TO REVIEW PATENT TERM EXTENSION (PTE)  
CALCULATION UNDER 37 C.F.R. § 1.701

Sir:

A notice of allowance was mailed in the above-captioned application on January 7, 2005. This petition was therefore due on March 7, 2005. Due to a docketing error, however, it was believed that the petition was not due until April 7, 2005. Applicant requests that this error be overlooked in view of the error in calculating PTE for this application.

37 C.F.R. § 1.701(a)(1) indicates that a patent filed on or after June 8, 1995 and before May 29, 2005 is entitled to extension of the patent term if the issuance of the patent was delayed due to interference proceedings under 35 U.S.C. 135(a). 37 C.F.R. § 1.701(c)(1)(2) states that the period of delay under paragraph (a)(1) of this section for an application is the sum of the following periods, to the extent that the periods are not overlapping, and includes the number of days, if any, in the period beginning on the date prosecution in the application was suspended by the Patent and Trademark Office due to interference proceedings under 35 U.S.C. 135(a) not involving the application and ending on the date of the termination of the suspension.

37 CFR 1.8  
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Patent Ext., Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 2/23/05

Signature: Tasha L. Pierce  
Name: Tasha L. Pierce

According to the PTE calculation as indicated on PAIR, the term of the patent has been calculated at 190 days based on the letter of suspension being mailed due to an interference in another application. Applicant understands 37 C.F.R. § 1.701(c)(1)(ii) to require an suspension due to an actual interference not involving the application. A review of the file, however, indicates that prosecution was suspended due to only a potential interference in another case (see enclosed papers). In this case, the application would not be entitled to any patent term extension, and the total PTE should be zero days. Applicant therefore requests that the PTE be adjusted to zero days.

It is believed that no fee is due with this petition; however, the undersigned hereby authorizes the any fees created by the filing of this document or to be charged to deposit account No. 19-5117.

Respectfully submitted,

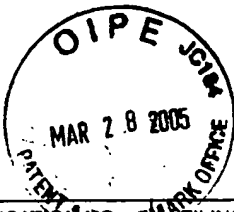
Date: March 23, 2005



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Enclosures

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**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO. <b>08,002,024</b>	TRADEMARK FILING DATE <b>04/29/99</b>	FIRST NAMED INVENTOR <b>HODGSON</b>	ATTORNEY DOCKET NO. <b>P01353- DI</b>
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10/17/2011

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**RECEIVED**

**SEP 15 2000**

**RJB**

<b>EXAMINER</b>
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KERR, K

<b>ART UNIT</b>	<b>PAPER NUMBER</b>
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1652

14

**DATE MAILED: 09/11/00**

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

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**E.S.D.**



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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

see attached action

KMK  
September 5, 2000

Art Unit: 1652

## **DETAILED ACTION**

### ***Application Status***

1. An amendment was filed on August 17, 2000, which amended the instant specification. Claims 28-47 are pending in the instant application.

### ***Withdrawn Objections to the Specification***

2. The previous objections to the specification because of the informalities (5a-b in Paper No. 12) are withdrawn by virtue of applicants' amendments to the instant specification.

### ***Status of Pending Objections/Rejections***

3. All previous pending objections/rejections have been withdrawn by virtue of applicants' amendments to the specification.

### ***Allowable Subject Matter***

4. Claims 28-47, drawn to methionyl tRNA synthetase polypeptides (i.e. SEQ ID NO: 2) and compositions thereof, are deemed allowable subject matter by virtue of a thorough review of the prior art. The closest prior art to applicants' claims is GenBank Accession No. S16682 which is a *Bacillus stearothermophilus* tRNA ligase (also called tRNA synthetase) polypeptide. This polypeptide has a maximum of 17 consecutive residues of applicants' SEQ ID NO: 2 and

Art Unit: 1652

approximately 65% overall sequence identity with applicants' SEQ ID NO: 2. Thus, applicants' claims to 95% identity and as few as 30 consecutive residues are free of the prior art.

***Prosecution Suspension***

5. Claims 28-47 are allowable. However, due to a potential interference, *ex parte* prosecution is SUSPENDED.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Dr. Kathleen M. Kerr whose telephone number is (703) 305-1229. The Examiner can normally be reached on Monday to Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Ponnathapura Achutamurthy, can be reached on (703) 308-3804. The fax phone number for this Group is (703) 308-0294.

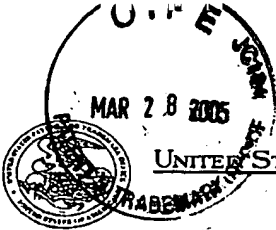
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.



PONNATHAPU ACHUTAMURTHY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600

KMK

September 5, 2000



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/302,024	04/29/1999	JOHN EDWARD HODGSON	P31353-	6373

25308 7590 04/09/2003

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EXAMINER

KERR, KATHLEEN M

ART UNIT PAPER NUMBER

1652

DATE MAILED: 04/09/2003

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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

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Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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DATE MAILED:

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Commissioner of Patents and Trademarks

As noted in the previous Office action (Paper No. 14 mailed on September 11, 2000), all claims are allowable. However, due to a potential interference, *ex parte* prosecution is SUSPENDED.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M Kerr whose telephone number is (703) 305-1229. The examiner can normally be reached on Monday through Friday, from 8:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathupura Achutamurthy can be reached on (703) 308-3804. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

  
PONNATHAPURACHUTAMURTHY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600

KMK  
April 4, 2003



BRUCE KISLUK, DIRECTOR  
TECHNOLOGY CENTER 1600